

#7

**WOODARD, EMHARDT, NAUGHTON, MORIARTY & McNETT**  
PATENT AND TRADEMARK ATTORNEYS

BANK ONE CENTER/TOWER  
111 MONUMENT CIRCLE, SUITE 3700  
INDIANAPOLIS, INDIANA 46204-5137

**FAX COVER SHEET**

NO. OF PAGES: COVER SHEET PLUS 12 PAGE(S)

TO: Nguyen Ngoc-Ho, Paralegal Specialist PCT Legal Office

RECEIVE  
28 FEB 2002  
Legal Staff  
International Division

703-308-6459

FAX TELEPHONE NO.:

FROM: John V. Moriarty

DATE: February 28, 2002

CONFIRMATION OF RECEIPT REQUESTED IF CHECKED.

WILL

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WILL NOT

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SPECIAL REMARKS:

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper for Reg. No. \_\_\_\_\_  
(or) Serial No. 09/914,366 is being facsimile  
transmitted to the Patent and Trademark Office Fax Number  
(703) 308-6459 on the date shown below.

John V. Moriarty

Type or Print Name

John V. Moriarty 2-28-02

Signature

Date

**THIS MESSAGE IS INTENDED ONLY FOR THE ADDRESSEE(S) IDENTIFIED ABOVE.**

It may contain privileged, confidential, attorney work product, or trade secret information that is exempt from disclosure under applicable laws. If you are not the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message is strictly prohibited. If you have received this facsimile in error, please notify the sender immediately by telephone and return the facsimile (and all copies) to the sender by mail at the above address. The sender will reimburse you for reasonable expenses incurred. Thank you.

JCD-8786-PCT:JVM:160087

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Via Facsimile: 703-308-6459

In re patent )  
application of: ) Before the Examiner  
                  )  
                  )  
Robert Kay )  
                  )  
                  )  
Serial No. 09/914,366 )  
                  )  
Filed August 27, 2000 )  
                  )  
                  )  
NOVELTY ANIMATED DEVICE WITH )  
SYNCHRONISED AUDIO OUTPUT, AND)  
METHOD FOR ACHIEVING )  
SYNCHRONISED AUDIO OUTPUT )  
THEREIN                  ) February 28, 2002

PETITION UNDER 37 CFR 1.181

Assistant Commissioner for Patents  
Washington, DC 20231

Attn: Nguyen Ngoc-Ho  
Paralegal Specialist  
PCT Legal Office

Sir:

Applicant for the above-identified application herewith petitions under 35 CFR 1.181 to consider applicant's Response to Notice of File Missing Parts dated January 2, 2002 which according to the U.S. Patent Office records was received but which cannot currently be found.

Applicant herewith states that the attached is a true and accurate copy of applicant's Response to Notice to File Missing Parts filed on January 2, 2002 along with the executed documents: (1) Declaration for Utility or Design Patent Application; (2) Copy of the Notification of Missing Requirements under 35 USC

371; (3) Check for the surcharge of \$65.00; and (4) Transmittal Form and Fee Transmittal.

Applicant notes that the subject enclosed response was certified by the undersigned on January 2, 2002 as being deposited with the United States Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 although the enclosed self-addressed stamped postcard was returned to the applicant with the Post Office receipt stamped dated January 30, 2002.

In addition, once the enclosed Response to Notice to File Missing Parts is considered, it is further petitioned that applicant's Petition to Make Special for new application under MPEP 708.02 VIII be considered. The Petition to Make Special was filed with the original filing of the application on August 27, 2000 although no action has been taken.

Respectfully submitted

By: John V. Moriarty

John V. Moriarty  
Reg. No. 26,207  
Woodard, Emhardt, Naughton,  
Moriarty & McNett  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456  
jmoriarty@uspatent.com

I hereby certify that this paper is being  
transmitted to the Patent and  
Trademark Office on the date shown below

John V. Moriarty

Print name of person signing certification

Signature

2-28-02

Date

FEB-28-02 THU 14:26

Woodard, Emhardt....

FAX NO. 317 637 7561

P.04/13

2647  
John V.  
Moriarty

JCD-8786-PCT:JVM:152986

# TRANSMITTAL FORM

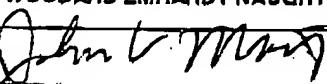
(to be used for all correspondence after initial filing)

Total Number of Pages in this Submission  Attorney Docket Number  5600-2

## ENCLOSURES (check all that apply)

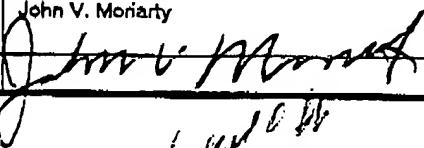
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/89) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input type="checkbox"/> Additional Enclosure (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	<input checked="" type="checkbox"/> Decl. For Utility or Design Pat. App.
<input type="checkbox"/> Certified Copy of Priority Documents	<input type="checkbox"/> Request for Refund	<input checked="" type="checkbox"/> Copy of Notification of Missing Requirements Under 35 USC 371 in the US Design/Elected Office (DO/EO/US)
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	John V. Moriarty WOODARD EMHARDT NAUGHTON MORIARTY & MCNETT
Signature	
Date	January 2, 2002

## Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington D.C. 20231 on this date: January 2, 2002

Typed or printed name	John V. Moriarty	Date	January 2, 2002
Signature			

PCT 1/26/02  
103-303 (FAX)  
1045

JCD-870G-PCT:JVM:152983  
 Approved for use through 10/31/2002. OMB 0651-0032  
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

Total Amount of Payment **(S)65.00**

Complete if Known	
Application Number	09/914,366
Filing Date	August 27, 2001
First Named Inventor	Robert Kay
Group Art Unit	
Examiner Name	
Attorney Docket Number	5600-2

Total Amount of Payment **(S)65.00**

## METHOD OF PAYMENT

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

**23-3030**

**Woodard, Emhardt, Naughton, Moriarty & McNett**

Charge any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

Applicant claims small entity status.  
See 37 CFR 1.27.

Payment Enclosed:

Check  Credit Card  Money Order  Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility Filing Fee	
106	330	206	165	Design Filing Fee	
107	510	207	255	Plant Filing Fee	
108	740	200	370	Reissue Filing Fee	
114	160	214	80	Provisional Filing Fee	
SUBTOTAL (1) (\$)					

### 2. EXTRA CLAIM FEES

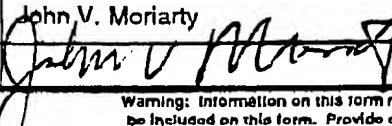
Total Claims	-20** =	Extra Claims	Fee From Below	Fee Paid
Independent Claims	-3** =			
Multiple Dependent				

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)				

\*For number previously paid, if greater; For Reissues, see above

### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	480	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other Fee (specify)					
* Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$ 55	

SUBMITTED BY		Comments (if applicable)		
Name (Print/Type)	Signature	Registration No. (Attorney/Agent)	26,207	Telephone (317) 634-3456
John V. Moriarty				January 2, 2002

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

JCD-8786-PCT:JVM:152901

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent )  
application of: ) Before the Examiner  
Robert Kay )  
Serial No. 09/914,366 )  
Filed August 27, 2001 ) Group Art Unit  
NOVELTY ANIMATED DEVICE WITH )  
SYNCHRONISED AUDIO OUTPUT AND )  
METHOD FOR ACHIEVING )  
SYNCHRONISED AUDIO OUTPUT )  
THEREIN ) January 2, 2002

RESPONSE TO NOTICE TO FILE MISSING PARTS

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

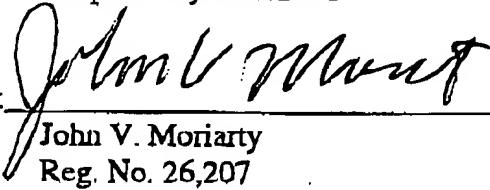
In response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)", please file the following executed documents:

- (1) Declaration for Utility or Design Patent Application;
- (2) Copy of the Notification of Missing Requirements under 35 U.S.C. 371 In the United States Designated/Elected Office (DO/EO/US);
- (3) Check for the surcharge of \$65.00; and
- (4) Transmittal Form and Fee Transmittal

It is believed the application is now in condition for examination and such action by the Examiner is respectfully requested.

Respectfully submitted

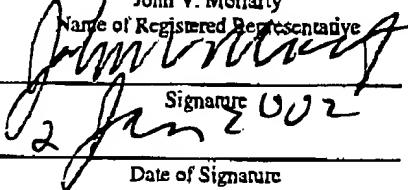
By:

  
John V. Moriarty  
Reg. No. 26,207

Woodard, Emhardt, Naughton,  
Moriarty & McNeit  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on January 2, 2002.

John V. Moriarty  
Name of Registered Representative

  
Signature 002

2 Jan 2002  
Date of Signature



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT		ATTY. DOCKET NO.
09/914,366	Robert kay		5600-2
INTERNATIONAL APPLICATION NO.			
PCT/GB01/02146			
I.A. FILING DATE		PRIORITY DATE	
05/16/2001		05/24/2000	
<b>CONFIRMATION NO. 3751</b>			
<b>371 FORMALITIES LETTER</b>			
 "OC000000007146235"			

Date Mailed: 12/06/2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of the International Application
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

1-6-02  
**ENTERED**  
 2-6-02

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed

**RECEIVED**

to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

**KAREN M WILLIAMS**

---

Telephone: (703) 305-3688

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/914,366	PCT/GB01/02146	5600-2

Type a Plus sign (+) Inside this box →

JCD-578G-PCT:JVM:139563)

**DECLARATION FOR UTILITY OR  
DESIGN PATENT APPLICATION  
(37 CFR 1.63)**

Declaration Submitted with Initial Filing       Declaration Submitted after Initial Filing (surcharge 37 CFR 1.16 (e) required)  
OR

Attorney Docket Number	5600-2
First Named Inventor	Robert Kay
<b>COMPLETE IF KNOWN</b>	
Application Number	09/914,366
Filing Date	August 27, 2001
Group Art Unit	
Examiner Name	

As a below named Inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NOVELTY ANIMATED DEVICE WITH SYNCHRONISED AUDIO OUTPUT, AND METHOD FOR ACHIEVING SYNCHRONISED AUDIO OUTPUT THEREIN

*(Title of the invention)*

the specification of which

is attached hereto OR  was filed on (MM/DD/YYYY) **08/27/2001** **as United States**

Application Number 09/914,366 and was amended on (MM/DD/YYYY)  (if applicable).

Encyclopedia of Business and Finance, 2nd edition, Volume 1

I hereby claim foreign priority benefits under 35 U.S.C. 119 (a)-(d) or 386(d) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventors certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Check Only If Priority Not Claimed	Certified Copy Attached?
GB01/02146	PCT			
0027719.4	GB	11/14/2000		
0027717.8	GB	11/14/2000		
0027656.8	GB	11/10/2000		
0018940.7	GB	08/03/2000		
0017548.9	GB	07/18/2000		
0016517.4	GB	07/05/2000		
0012470.1	GB	05/24/2000		

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/102, attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

**Application Number(s)**

**Filing Date (MM/DD/YY)**

Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.

Type a plus sign (+) inside this box

WENMM SB/01 pg 2

**DECLARATION – Utility or Design Patent Application**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States or America, listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<b>U.S. Parent Application or PCT Number</b>	<b>Parent Filing Date (MM/DD/YYYY)</b>	<b>Parent Patent Number (If applicable)</b>

Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

<input type="checkbox"/>	Customer Number	<input type="checkbox"/>	Place Customer Number Bar Code Label Here
OR	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	Registered practitioner(s) name/registration number listed below.		

Name	Registration Number	Name	Registration Number
SEE ATTACHED SHEET			

Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to:  Customer Number  Bar Code Label  OR  Correspondence address below

Name	John V. Moriarty				
Address	WOODARD EMHARDT NAUGHTON MORIARTY & McNETT				
Address	111 Monument Circle, Suite 3700				
City	Indianapolis	State	IN	ZIP	46204
Country	US	Telephone	317/634-3458	Fax	317/637-7525

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:  A person has been filed for this unsigned inventor.

Given Name (first and middle [if any])	Family Name or Surname
Robert	Kay

Inventor's Signature	<i>Robert Kay</i>	Date	28/8/2001
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Residence: City	Wilmslow	State	Cheshire	Country	Great Britain	Citizenship	British
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Post Office Address	4 Prestbury Road						
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Post Office Address							
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City	Wilmslow	State	Cheshire	ZIP	Country	Great Britain	
------	----------	-------	----------	-----	---------	---------------	--

<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.
---

Type a Plus sign (+) inside this box →  

WENMM SB/02C (4/01)

**DECLARATION****Registered Practitioner Information  
(Supplemental Sheet)**

Name	Registration Number	Name	Registration Number
Harold R. Woodard	16,214		
C. David Emhardt	18,483		
Joseph A. Naughton, Jr.	19,814		
John V. Moriarty	26,207		
John C. McNett	25,533		
Thomas Q. Henry	28,309		
James M. Durlacher	28,840		
Charles R. Reeves	28,750		
Vincent O. Wagner	29,596		
Steve Zlatos	30,123		
Spiro Berevskos	30,821		
William F. Bahret	31,087		
Clifford W. Browning	32,201		
R. Randall Frisk	32,221		
Daniel J. Lueders	32,581		
Kenneth A. Gandy	33,386		
Timothy N. Thomas	35,714		
Kerry P. Sisselman	37,237		
Kurt N. Jones	37,996		
John H. Allie	39,088		
Holiday W. Banta	40,311		
Troy J. Cole	35,102		
L. Scott Paynter	39,797		
Charles J. Meyer	41,996		
Matthew R. Schantz	40,800		
Gregory B. Coy	40,967		
Lisa A. Hiday	40,036		
John V. Daniluck	40,581		
Christopher A. Brown	41,642		
C. John Brannon	44,557		
Jason J. Schwartz	43,910		
Arthur J. Usher IV	41,359		
Douglas A. Collier	43,558		
Brad A. Schepers	45,431		
Scott J. Stevens	29,446		
James B. Myers	42,021		
John M. Bradshaw	46,573		
Charles P. Schmal	45,082		
Edward E. Sowers	36,015		
Quentin G. Cantrell	47,469		

Matter No. 5600-2Initials: 5:pea 1/2/01

## PLEASE RETURN THIS CARD

Patent     Trademark  
 Copyright

Serial No. 09/914,366  
Applicant: Robert Kany

Novelty Animated Device  
With Synchronised  
Audio Output  
Receipt of the attached is  
acknowledged.  
 Transmittal Form  
 Fee Transmittal

Application  
 Check for \$65 -  
 \_\_\_\_\_ sheets of drawing(s)  
 Small Entity Declaration  
 Declaration & Power of Atty.  
 Assignment  
 Amendment  
 Req. for Extension of Time  
 Specimens  
 Information Disclosure Statement  
 Resp. to Notice to File  
 \_\_\_\_\_ Missing Parts  
 Copy of the Notif. of  
Missing Pg.

WOODARD, EMHARDT, NAUGHTON,  
MORIARTY & McNETT  
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INDIANAPOLIS, INDIANA 46204-5137

BANK ONE

BANK ONE, INDIANA, NA  
INDIANAPOLIS, INDIANA 46277CHECK NO. 27286

27286

20/1/01

CHECK DATE  
12/27/01CHECK AMOUNT  
\$65.00PAY SIXTY-FIVE AND 00/100 DollarsTO THE  
ORDER OFCOMM. OF PATENTS & TRADEMARKS  
WASHINGTON, D.C. 20231Craig Neal Murray  
VOID AFTER 90 DAYS

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